IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 21ST MARCH 2007 / 30TH PHALGUNA 1928

Bail Appl..No. 1609 of 2007()

CRIME NO.46/2007 OF SAKTHIKULANGARA POLICE STATION

PETITIONERS/ACCUSED A3 & A4

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1. JAYAN, S/O.RAVEENDRAN PILLAI,
   AGED 32 YEARS, AYANTHIYIL, KAVANADU P.O.,
   KOLLAM.

2. KOCHUKUTTAN, S/O.THANKAPPAN ACHARY,
   AGED 20 YEARS, ARUN NIVAS, KAVANADU P.O.,
   KOLLAM.

3. SHAFEEK, S/O.HAMEED KUNJU,
   AGED 20 YRS., AYANTHIYIL, KAVANADU P.O.,
   KOLLAM.

BY ADV. SRI.DILEEP P.PILLAI

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

Bail Application No. 1609/2007

Dated this 21st day of March, 2007

O R D E R

The petitioners who are accused Nos. 1, 3 and 4 in Crime No.46/2007 of Sakthikulangara Police Station for offences punishable under Sections 143, 147, 148, 323, 324 and 326 IPC read with Section 149 IPC, seek anticipatory bail.

2. The learned Public Prosecutor opposed the application.

3. The case of the prosecution is that at about 8.30 p.m on 6.2.2007, while the festival in Sakthikulangara Temple was going on, there has been altercations between the defacto complainant and others resulting in the petitioners and others armed with sword etc., assaulting the defcto complainant, who sustained injuries including fracture on wrist.

4. Having regard to the fact that it was the first petitioner/first accused who used the deadly weapon, I am not inclined to grant anticipatory bail to the first accused. In the case of petitioners 2 and 3 who are accused Nos.3 and 4, I am

inclined to grant anticipatory bail.

5. Accordingly, a direction is issued to the Investigating Officer to release the petitioners 2 and 3 (accused Nos. 3 and 4) on bail for a period of one month in the event of their arrest in connection with the above case on each of them executing a bond for Rs. 10,000/- (Rupees ten thousand only) with two solvent sureties each for the like amount to the satisfaction to the Investigating officer and subject to the following conditions:

(a). Petitioners 2 and 3 (accused 3 and 4) shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

(b). Petitioners 2 and 3 (accused 3 and 4) shall make themselves available for interrogation as and when required by the Investigating Officer.

(c). Petitioners 2 and 3 (accused 3 and 4) shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.

(d). Petitioners 2 and 3 (accused 3 and 4) shall not commit any offence while on bail.

(e). Petitioners 2 and 3 (accused 3 and 4) shall surrender before the Magistrate concerned and seek regular bail in the meanwhile.

6. If the petitioners commit breach of any of the above conditions, the bail granted to them shall be liable to be cancelled.

7. In the case of the first accused, there is no reason why he should not surrender before the Investigating Officer for interrogation and then to have his application for regular bail considered by the Magistrate concerned. Accordingly, the first petitioner/first accused is directed to surrender before the Investigating Officer on any day between 27.3.2007 and 29.3.2007 for the purpose of interrogation and recovery of incriminating materials if any. The first accused shall thereafter, be produced on the same day before the Magistrate having jurisdiction, who shall consider and dispose of the

application for regular bail if any, filed by the first petitioner/first accused preferably on the same day on which it is filed.

The application is partly allowed as above.

V.RAMKUMAR,
JUDGE

mrcs